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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,105	01/23/2004	Cong Thanh Dinh	577-614	7912
23869	7590	10/26/2004		
HOFFMANN & BARON, LLP 6900 JERICHO TURNPIKE SYOSSET, NY 11791			EXAMINER PATEL, DHIRUBHAI R	
			ART UNIT	PAPER NUMBER
			2831	

DATE MAILED: 10/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/764,105

Applicant(s)

DINH, CONG THANH

Examiner

DHIRU R PATEL

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 6-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: SKETCH A & SKETCH B.

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 6-7 are rejected under 35 U.S.C. § 102(b) as being anticipated by

R. F. McAFEE (2,989,206).

R. F. McAFEE discloses :

Regarding claims 6-7, reversible bracket (see sketch A) for attachment to an open front face of an outlet box 10 comprising (see fig 1):

a planar flange 16 having opposed surfaces having a first position with one of said opposed surfaces being attachable to said open front face of said box (see fig 3 and sketch A) and a reversible second position with the other of said opposed surfaces being attachable to said open front face of said box (see fig 3); and a bounded access member 30 extending through said flange (see fig 3), said access member having an opening extending through said flange between opposite extending rims (not numbered, but near each element number 32) of said access member (see fig 1), one of said rims being located a first distance from said open front face of said box when said flange is in said first position (see fig 3), and the other of said rims being located at a second distance from said open front face of said box when said flange is in said reversible second position, and said first distance being different from and

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said second distance (see fig 1). With respect to claim 7, it is noted that the assembly of R. F. McAfee meet the structural limitations (see fig 2, a wall board 14).

2. Claims 8-9 are rejected under 35 U.S.C. § 102(b) as being anticipated by Filipov (5,931,325).

Filipov discloses :

Regarding claim 8, a bracket (see sketch B) for attachment to an electrical outlet box 1 having a back wall, a side wall upstanding from and perimetrically bounding said back wall so as to define a box interior and an open face opposite said back wall (see fig 1), said bracket comprising: a generally planar flange 4 (see fig 1) positionable on an upper edge of said side wall (see fig 4) for spanning said open face of said box, said planar flange having an opening 24 therethrough (see fig 1, column 4 lines 41-45) for accessing said box interior, said opening being bounded by a first extending wall (see sketch B), said first extending wall extending a first distance and in a first direction from said planar flange and a second extending wall extending a second distance and in a second direction from said planar flange (see sketch B), said first distance being different from said second distance (see sketch B) and said first direction being opposite said second direction (see sketch B).

Regarding claim 9, said first distance approximates the thickness of a first wall board and said second distance approximates the thickness of a second wall board of different thickness (see sketch B). It is noted that the assembly of Filipov meet the structural limitations.

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3. Claims 8-12 are rejected under 35 U.S.C. § 102(b) as being anticipated by McShane (5,042,673).

McShane discloses :

Regarding claim 8, a bracket 10 for attachment to an electrical outlet box 100 having a back wall, a side wall upstanding from and perimetrically bounding said back wall so as to define a box interior and an open face opposite said back wall (see fig 1 and the entire column 3 and column 4), said bracket comprising: a generally planar flange 34, 36 (see fig 1) positionable on an upper edge of said side wall (see fig 1) for spanning said open face of said box, said planar flange having an opening 30, 32 therethrough (see fig1, and the entire column 4) for accessing said box interior, said opening being bounded by a first extending wall 28 (see fig 1), said first extending wall extending a first distance and in a first direction from said planar flange and a second extending wall 26 extending a second distance and in a second direction from said planar flange (see fig 1 ), said first distance being different from said second distance (see fig 1) and said first direction being opposite said second direction (see fig 1).

Regarding claim 9, said first distance approximates the thickness of a first wall board 400 and said second distance approximates the thickness of a second wall board 400 of different thickness (see fig 8). it is noted that the assembly of Filipov meet the structural limitations.

Regarding claim 10, one of said first and second extending walls is positioned to extend into said box interior (see fig 3, column 5 lines 10-45).

Regarding claims 11-12, claims 11-12 are method counter part of product claims 8-9.

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***Response to Arguments***

4. Applicant's arguments with respect to claims 6-12 have been considered but are moot in view of the new ground(s) of rejection.

***Contact information***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhiru Patel whose telephone number is 571-272-1983. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on 571-272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pairedirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

Dhiru Patel  
Primary Examiner  
Group Art Unit 2831  
October 25, 2004

  
DHIRU R. PATEL  
PRIMARY EXAMINER  
10/25/04